

Chapter 30.62B

GEOLOGICALLY HAZARDOUS AREAS

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PART 000 – GENERAL**30.62B.005 Moratorium on development in the SR 530 landslide impact area.**

Pursuant to Amended Emergency Ordinance No. 14-045 and Emergency Ordinance No. 14-105, a moratorium has been adopted to allow time for the potential development of new regulatory maps and regulations regarding development activities in the SR 530 landslide impact area. The SR 530 landslide impact area is identified on a map adopted in Exhibit A to Emergency Ordinance No. 14-105, and such map shall be available for public review at the department of planning and development services during business hours and on the county website. During the duration of the moratorium, the county will not accept any application for any development activity or action requiring a project permit within the SR 530 landslide impact area. This moratorium does not apply to any project permits or approvals that would be required for a public agency project, including but not limited to, infrastructure repairs and reconstruction, river bank stabilization and channelization, environmental clean-up or restoration, and activities related to and necessary for such public agency projects as determined by the director. This section shall be repealed automatically six months after the effective date of Emergency Ordinance No. 14-105 unless renewed.

(Added by Amended Ord. 14-045, June 25, 2014, Eff date July 7, 2014; Amended by Ord. 14-105, Dec. 17, 2014, Eff date Dec. 27, 2014)

30.62B.010 Purpose and applicability.

(1) The purpose of this chapter is to provide regulations for the protection of public safety, health and welfare pursuant to the Growth Management Act (chapter 36.70A RCW), in geologically hazardous areas, including: erosion hazard, landslide hazard, seismic hazard, mine hazard, volcanic hazard, and tsunami hazard areas.

(2) This chapter applies to:

(a) Development activities, actions requiring project permits, and clearing except for the following:

(i) Non-ground disturbing interior or exterior building improvements;

(ii) Routine landscape maintenance of established, ornamental landscaping;

(iii) Non-ground disturbing normal maintenance or repair (~~Exterior structure maintenance, including, but not limited to, painting and roofing~~);

(iv) Removal of noxious weeds conducted in accordance with chapter 16-750 WAC;

(v) Maintenance or replacement that does not expand the affected area of the following existing facilities:

(A) septic tanks and drainfields;

(B) wells;

(C) individual utility service connections; and

(D) individual cemetery plots in established and approved cemeteries;

(vi) Data collection and research by nonmechanical means if performed in accordance with state-approved sampling protocols or Endangered Species Act (ESA) Section 10(a)(1)(a), Section 7 consultation (16 USC § 1536);

(vii) Nonmechanical survey and monument placement;

(viii) Soils testing or topographic surveying of slopes for purposes of scientific investigation, site feasibility analysis, and data acquisition for geotechnical report preparation provided it can be accomplished without road construction; and
 (ix) Quasi-judicial rezones not accompanied by another permit or approval.

(b) Agricultural activities, which are subject only to Part 500 of this chapter.
 (Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 13-042, July 10, 2013, Eff date July 22, 2013)

30.62B.015 Intent.

It is the intent of this chapter to provide the protection required by chapter 36.70A RCW for wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting property rights. The county council nevertheless recognizes that implementation of some provisions of this chapter 30.62B SCC will inevitably entail some restriction of property rights. It is the intent of the county council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.020 Relationship to Snohomish County Shoreline Management Program.

Regulation of geologically hazardous areas located within shorelines of the state, as defined in chapter 90.58 RCW, shall be accomplished through compliance with the provisions of ~~((this))~~ chapter 30.67 SCC. Nothing in this section shall be construed to be inconsistent with RCW 36.70A.480.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.030 Relationship to chapter 30.61 SCC - environmental impacts.

Critical area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts on geologically hazardous areas pursuant to chapter 30.61 SCC, to the extent permitted by RCW 43.21C.240.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.040 Rulemaking authority.

The director shall have the authority to adopt administrative rules to implement the provisions of this chapter. Rulemaking authority shall include, but is not limited to, the adoption of best management practices for the regulation of geologically hazardous areas.

PART 100 - PROCESS REQUIREMENTS

30.62B.110 Permit pre-applications.

Project proponents may request a pre-application meeting pursuant to SCC 30.70.020 to obtain a preliminary analysis of how the requirements of this chapter apply to the proposed project.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.120 Critical area services provided by the department.

The department may provide the following service upon submittal of an application and the payment of fees as required by chapter 30.86 SCC: identification of erosion and landslide hazard areas for single-family residential (SFR) dwellings, duplexes, and accessory structures, and commercial structures of 8,000 square feet or less.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.130 Submittal requirements.

For any development activity or action requiring a project permit, the applicant shall submit a site development plan drawn to a standard engineering scale which includes:

- (1) Boundary lines and dimensions of the subject property;
- (2) Boundary lines and dimensions of the site;
- (3) Topography at contour intervals of five feet unless the underlying ~~project~~ permit application requires a lesser interval;
- (4) Location, size, and type of any existing structures, cleared areas or other improvements ~~((and other existing developed areas))~~;
- (5) Location, size and type of all proposed development activities, activities subject to project permits and clearing ~~((structures and development activity on the site))~~;
- (6) Location of all geologically hazardous areas on and within 200 feet of the site, to the extent possible;
- (7) Location of all other critical areas regulated pursuant to chapters 30.62A, 30.62C and 30.65 SCC on and within ~~((200))~~ 300 feet of the site; and
- (8) Location of structure setbacks as required in chapter ~~((SCC))~~ 30.62A SCC ~~((320(1)(d)))~~ SCC 30.62B.340(2) and chapter 30.23 SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.140 Geotechnical report requirements.

(1) A geotechnical report will be required for any development activity or action requiring a project permit or clearing proposed within:

- (a) An erosion hazard area;
- (b) A landslide hazard area ~~((or its setback))~~;
- (c) Two hundred feet of a mine hazard area; or
- (d) Two hundred feet of any faults.

(2) The geotechnical report shall be prepared, stamped, and signed by a licensed engineer or geologist and contain the following information relevant to the geologically hazardous area:

- (a) The topography at contour intervals of five feet unless the underlying ~~project~~ permit application requires a lesser interval;
- (b) Significant geologic contacts, landslides, or downslope soil movement on and within 200 feet of the site;
- (c) A channel migration zone study when required pursuant to SCC 30.62B.330(2);
- (d) Impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and utilities on the site;
- (e) The location or evidence of any springs, seeps, or other surface expressions of groundwater;
- (f) The location or evidence of any surface waters;

- 1 (g) Identification of all existing fill areas;
- 2 (h) The location and extent of all proposed development activity;
- 3 (i) A discussion of the geological condition of the site including:
 - 4 (i) a description of the soils in accordance with the Natural Resource Conservation
 - 5 Service indicating the potential for erosion;
 - 6 (ii) engineering properties of the soils, sediments, and rocks on the subject property and
 - 7 adjacent properties and their effect on the stability of the slope;
 - 8 (iii) a description of the slope in percent gradient; and
 - 9 (iv) the location or evidence of seismic faults and soil conditions indicating the potential
 - 10 for liquefaction;
 - 11 (v) an analysis of potential movement and hazards and finding of risks associated with
 - 12 geologic hazards and the potential impact upon the hazard area, proposed development
 - 13 and adjacent properties.
 - 14
- 15 (j) The proposed method of drainage and locations of all existing and proposed surface and
- 16 subsurface drainage facilities and patterns, and the locations and methods for erosion
- 17 control;
- 18 (k) The extent and type of existing vegetative cover;
- 19 (l) A vegetation management and restoration plan prepared by persons experienced in
- 20 vegetation management and restoration plans such as botanists, landscape architects and
- 21 certified arborist, or other means for maintaining long-term stability of slopes;
- 22 (m) Analysis of erosion rates, slope recession rates and potential impacts to existing or
- 23 proposed development from wave cutting, stream meandering, or other erosional forces
- 24 to determine the recommended solution for bank or shoreline stabilization or flood
- 25 protection in conformance with SCC 30.62B.320(2); and
- 26 (n) Analysis of soil borings when the geology of an area is uncertain; and
- 27 ~~((n))~~ (o) As determined by the department of applicant, any preexisting or new information
- 28 necessary to determine compliance with this chapter, including but not limited to the use
- 29 of LIDAR, technical reports, studies or documents related to geologic hazards and
- 30 models for estimating how far landslide materials will travel.
- 31 (3) The geotechnical report shall include a summary or abstract of the report for the
- 32 property where the development is occurring. The abstract shall include at a minimum
- 33 the type of hazard, extent of hazard, risks associated with the hazards, geologic condition
- 34 and hazards analysis.
- 35 -

36 (Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

38 **30.62B.150 Independent consultant review.**

39 If the department lacks the necessary expertise, the department may require independent
 40 consultant review of the application by a qualified professional to assess compliance with this
 41 chapter. If independent consultant review is required, the applicant shall make a deposit with the
 42 department to cover the cost of the review pursuant to the requirements of chapter 30.86 SCC.
 43 Unexpended funds will be returned to the applicant following final decision on the application.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.160 Permanent identification, development restrictions, and recording.

The following measures for permanent identification, development restrictions and disclosure of geologically hazardous areas are required for any development activity or action requiring a project permit, except those occurring in public and private road or utility easements and rights-of-way, or those conducted for the primary purpose of habitat enhancement or restoration.

(1) Critical area site plan.

(a) All erosion, landslide, and mine hazard areas, ~~((and))~~ seismic faults and structure setback areas shall be designated on a critical area site plan.

(b) A critical areas site plan is any site plan approved by the department that includes but is not limited to subdivisions, records of survey, official site plans, administrative site plans, or other form drawn to a standard engineering scale that includes at minimum the following: ~~((The critical area site plan shall be drawn to a standard engineering scale and include at minimum:-))~~

(i) the boundaries of the site;

(ii) the boundaries of the property;

~~((iii))~~ (iii) a legal description of the subject property;

~~((iii))~~ (v) accurate locations of the geologically hazardous area(s), identified by hazard type; and

~~((iv))~~ (vi) visual and written documentation of any permanent restrictions on development activities in the geologically hazardous area occurring as a result of compliance with this chapter, including, but not limited to: structural setbacks and vegetation retention requirements or other restrictions as may be required pursuant to this chapter.

(2) Recording. Critical area site plans or disclosure notices as required pursuant to SCC 30.62B.160(1) or (3) shall be recorded with the county auditor. Documentation of recording shall be provided to the department prior to permit issuance.

(3) Disclosure requirements for buildings in volcanic and tsunami hazard areas. A disclosure notice acknowledging that the development is occurring on or within 200 feet of a volcanic or tsunami hazard area. The notice shall include the following disclosure text, as appropriate:

(a) For volcanic hazard areas, "This property is on or within 200 feet of the Glacier Peak Volcanic Hazard Area, which is subject to periodic and potentially life-threatening destructive mud, water, and debris flows."; or

(b) For tsunami hazard areas, "This property is on or within 200 feet of a tsunami hazard area, which could be subject to potentially life-threatening destructive waves."

(4) Notice, disclosure and covenant requirements for development activities, or actions requiring a project permit in a landslide hazard area, except for approvals for fences, retaining walls, deflection walls or landslide mitigation, shall include the following:

(a) A covenant between the owner(s) of property and the county is required prior to approving any application for any development activity or action requiring a project permit proposed on property within a landslide hazard area specified in SCC 30.62B.340

1 unless the proposed development activity is described in a covenant that is already
 2 recorded on the property pursuant to this subsection.

3 (b) A covenant shall not be required where the permit or approval is for work done by the
 4 county.

5 (c) The covenant shall be recorded with the county auditor, and a copy of the recorded
 6 covenant provided to the department, before a permit may be issued.

7 (d) The covenant shall describe the specific types of risks identified in the
 8 geotechnical report prepared pursuant to SCC 30.62B.140, shall be signed by the
 9 owner(s) of the property, shall be notarized, shall run with the land, and shall include, but
 10 not be limited to, the following:

11 (i) the abstract of the geotechnical report prepared pursuant to SCC 30.62B.140 for
 12 the property documenting the conditions making this subsection SCC 30.62B.160(4)
 13 applicable;

14 (ii) A statement that the owner(s) of the property understands and accepts the
 15 responsibility for the risks associated with development on the property given the
 16 described condition, and agrees to inform future purchasers and other successors and
 17 assignees of the risks;

18 (iii) The application date, type and number of the permit or approval for which the
 19 covenant is required and a description of any future development activities that the
 20 owner(s) choose to include in the covenant; and

21 (iv) A waiver and release of any right to assert claims against the county arising out
 22 of the issuance of any permit or approval by the county for development or alteration of
 23 the property, except for such losses that directly result from the sole negligence of the
 24 county.

25 (e)

26 ~~((4))~~ (5) Previously approved critical area site plans.

27 (a) For any development activity, action requiring a project permit or clearing
 28 occurring consistent with a previously approved critical area site plan shall be governed
 29 according to the terms and conditions of the approved site plan, provided that all erosion,
 30 landslide, mine and seismic hazard areas have been adequately identified and appropriate
 31 measures for the protection of public safety have been established.

32 (b) To ensure that all landslide hazard areas have been adequately identified and
 33 appropriate measures for the protection of public safety have been established,
 34 compliance with the requirements for a geotechnical report pursuant to SCC 30.62B.140
 35 is required for approval of any development activity, action requiring a project permit or
 36 clearing, notwithstanding approval of any previous application or site plan.

37 (Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

39 **30.62B.170 Security devices and insurance requirements.**

40 (1) The director shall require a security device pursuant to chapter 30.84 SCC or insurance
 41 pursuant to SCC 30.63A.940 when the depth of any proposed excavation will exceed four (4)

feet and the bottom elevation of the proposed excavation will be below a one hundred (100) percent slope line originating from the elevation of any adjacent property lines.

(2) The director may require a security device pursuant to chapter 30.84 SCC or insurance pursuant to SCC 30.63A.940 adequate to cover potential claims for property damage which may arise from or be related to development activities within a landslide hazard area or in other circumstances where there is potential for significant harm to a wetland, fish and wildlife habitat conservation area or buffer or a public right of way during the construction process. (Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

PART 200 – DESIGNATION

30.62B.210 Designation of geologically hazardous areas.

The county has designated geologically hazardous areas pursuant to RCW 36.70A.170 by defining them and providing criteria for their identification. Project proponents are responsible for determining whether a geologically hazardous area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of geologically hazardous areas identified by project proponents. Specific criteria for the designation of geologically hazardous areas are contained in this chapter and chapter 30.91 SCC. While the county maintains some maps of geologically hazardous areas, they are for informational purposes only and may not accurately represent all such areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 300 - STANDARDS AND REQUIREMENTS

30.62B.310 Purpose of Part 300.

Part 300 of this chapter establishes specific standards and requirements for the treatment of erosion, landslide, seismic, mine, volcanic and tsunami hazard areas.

30.62B.320 General standards and requirements for erosion and landslide hazard areas.

(1) Any development activity, action requiring a project permit or clearing occurring in an erosion or landslide hazard area:

(a) Shall be designed to:

(i) Comply with the requirements in an approved geotechnical report when required pursuant to SCC 30.62B.140;

(ii) Utilize best management practices (BMPs) adopted by the department pursuant to chapter 30.63A SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter;

(iii) Prevent collection, concentration or discharge of stormwater or groundwater within an erosion or landslide hazard area, except as otherwise provided in this chapter;

(iv) Minimize impervious surfaces and retain vegetation to minimize risk of erosion or landslide hazards; and

(b) Shall not:

(i) result in increased risk of property damage, death or injury;

(ii) cause or increase erosion or landslide hazard risk;

(iii) increase surface water discharge, sedimentation, slope instability, erosion or landslide potential to adjacent or downstream and down-drift properties beyond pre-development conditions; or

(iv) adversely impact wetlands, fish and wildlife habitat conservation areas or their buffers.

(2) For shoreline and bank stabilization and flood protection measures proposed in erosion or landslide hazard areas, the project proponent shall make all reasonable efforts to avoid and minimize impacts to wetlands and fish and wildlife habitat conservation areas and their buffers pursuant to the requirements of((~~chapter~~)) chapters 30.62A SCC and 30.67 SCC, in the following sequential order of preference:

(a) Utilize setbacks sufficient to ensure that shoreline stabilization or flood hazard reduction measures will not be necessary to protect development for its projected design life, or;

(b) When sufficient setbacks are not possible, utilize other non-structural measures unless the applicant demonstrates through a geotechnical report required pursuant to SCC 30.62B.120 that new or enlarged structural stabilization or flood protection is necessary to protect:

(i) existing primary structures, water dependent structures and facilities, utilities, roads and bridges;

(ii) new utilities or public bridges and transportation structures allowed pursuant to 30.62B.330(3);

(iii) agricultural land; or

(iv) projects where the sole purpose is to protect or restore wetlands, fish and wildlife habitat conservation areas or their buffers.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.330 Erosion hazard areas - Channel migration zones.

(1) This section establishes specific standards and requirements for development activities, actions requiring a project permit or clearing occurring in channel migration zones adjacent to the following rivers:

River Name	River Sections (mi)
North Fork Skykomish River	0.00 - 8.64
North Fork Stillaguamish River	0.00 - 35.18
Pilchuck Creek	0.00 - 6.96
Pilchuck River	0.00 - 36.17
Sauk River	All
Skykomish River	0.00- 29.15
Snohomish River & Sloughs	All
Snoqualmie River	0.00 - 5.41
South Fork Skykomish River	0.00 - 6.71
South Fork Stillaguamish River	0.00 - 43.07

River Name	River Sections (mi)
Stillaguamish River & Sloughs	All
Sultan River	0.00 - 7.64
Wallace River	0.00 - 7.71

(2) The department may require a channel migration zone study when a development activity or action requiring a project permit is proposed to occur in areas where evidence indicates channel migration is likely, in accordance with the following requirements:

(a) The study shall be conducted in accordance with Section 2 of the Forest Practices Board Manual (Title 222 WAC), Standard Methods for Identifying Bankfull Channel Features and Channel Migration Zones, November, 2004, except that areas behind natural or manmade features which limit channel migration that allow fish passage shall not be included in the channel migration zone;

(b) The study shall be performed under the direction of a qualified professional with experience in fluvial geomorphology or river hydraulics;

(c) The study shall contain the following:

(i) a determination of the presence of channel migration, and if present, the delineation of the channel migration zone;

(ii) an analysis of the impacts of potential channel migration on the proposed development activity; and

(iii) an analysis of the impacts of the proposed development activity on the channel migration zone.

(3) Channel Migration Zone (CMZ) standards and requirements.

(a) All development activities, actions requiring a project permit and clearing are prohibited in the channel migration zone, except as provided below.

(i) removal of hazardous trees;

(ii) new utility facilities based on the following requirements;

(A) pipelines shall be bored 10 feet beneath the thalweg scour depth of the river within the CMZ;

(B) surface utilities such as power transmission lines shall be located away from the current channel if feasible; and if not feasible, foundations within the CMZ shall be designed as in-channel structures if determined by the department to be necessary;

(iii) new public bridges and transportation structures when no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs;

(iv) boat ramps;

~~((iv))~~ (v) normal maintenance or repair of existing flood control and bank stabilization structures, buildings, roads, bridges and utilities; ~~((and))~~

~~((v))~~ (vi) shoreline and bank stabilization and flood protection measures pursuant to the general requirements contained SCC 30.62B.320(2)(-);

(vii) habitat restoration and enhancement projects; and

(viii) mitigation banks.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.340 Landslide hazard areas.

(1) Development activities, actions requiring project permits and clearing shall not be allowed in landslide hazard areas ~~((or their required setbacks))~~ as defined in SCC 30.91L.040.

(2) Deviations allowing building within a landslide hazard area ~~((from setbacks))~~ may be allowed when the applicant demonstrates that the following conditions are met:

(i) there is no alternate location for the structure on the subject property; and

(ii) a geotechnical report demonstrates that building within a landslide hazardous area:

(A) ~~((the alternative setbacks provide))~~ will provide protection commensurate to being located outside of the landslide hazard area ~~((which is equal to that provided by the standard-minimum setbacks))~~; and

(B) the proposal meets the requirements of SCC 30.62B.320.

(3) In addition to the requirements in SCC 30.62B.320 the following standards and requirements apply to development activities, actions requiring project permits and clearing in landslide hazard areas:

(a) Vegetation shall not be removed from a landslide hazard area, except for hazardous trees based on review by a qualified arborist or as otherwise provided for in a vegetation management and restoration plan;

(b) The factor of safety for landslide occurrences shall not be decreased below the limits of 1.5 for static conditions or 1.1 for dynamic conditions. Analysis of dynamic conditions shall be based on horizontal acceleration as established by the current version of the International Building Code;

(c) Tiered piles or piers shall be used for structural foundations where possible to conform to existing topography;

(d) Retaining walls that allow for the maintenance of existing natural slope area shall be used wherever possible instead of graded artificial slopes;

(e) Provided there is no practical alternative, utility lines and pipes may be constructed in landslide hazard areas under the following conditions:

(i) the line or pipe shall be located above ground and properly anchored or designed so that it will continue to function in the event of an underlying slide; and

(ii) stormwater conveyance systems shall be designed with high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equivalent; or

(iii) alternatively, utilities may be bored below landslide hazard areas provided they are located beneath the depth of potential slope failure.

(f) Point source discharge of stormwater may be allowed in landslide hazard areas under the following conditions:

(i) the stormwater is conveyed via continuous storm pipe downslope to a point where it does not increase risk to landslide hazard areas or other properties downstream from the discharge;

(ii) the stormwater is discharged at flow durations matching predeveloped conditions with adequate energy dissipation into existing channels; or

(iii) discharge upslope of the landslide hazard area may only occur if:

(A) it is dispersed onto a low-gradient undisturbed setback adequate to infiltrate all surface and stormwater runoff; and

(B) the discharge will not decrease the stability of the slope.
(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.350 Seismic hazard areas.

(1) Development activities or actions requiring a project permit occurring within 200 feet of a seismic hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development.

(2) Development activities or actions requiring a project permit occurring in a seismic hazard area shall meet applicable standards of the International Building Code and chapter 30.51A SCC.
(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.360 Mine hazard areas.

(1) Development activities or actions requiring a project permit occurring on or within 200 feet of a mine hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development or action.

(2) For any reclamation activity under the jurisdiction of the county pursuant to SCC 30.63B.360, the applicant must submit as-built drawings in a form specified by the director that reflect the final grades on-site, proper site stabilization and vegetative cover.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.370 Volcanic hazard areas.

Development activities or actions requiring a project permit occurring on or within 200 feet of a volcanic hazard area shall comply with the identification, disclosure, and recording requirements of SCC 30.62B.160.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.380 Tsunami hazard areas.

Development activities or actions requiring a project permit occurring on or within 200 feet of a tsunami hazard area shall comply with the identification, disclosure, and recording requirements of SCC 30.62B.160 as evidence becomes available. In Tsunami Hazard Areas, project proponents are encouraged to follow the recommendations from "Designing for Tsunamis: Seven Principles for Planning and Designing for Tsunami Hazards"

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.390 Authority to require more stringent standards and requirements and to impose mitigation.

(1) Before and after land disturbing or construction activity or the issuance of a land disturbing activity permit or other activities subject to this chapter, the director may impose additional or more stringent standards and requirements than those specified in this chapter or impose mitigation requirements to the extent necessary to:

(a) Protect the public health, safety, and welfare; or

(b) Mitigate any significant adverse impact

(2) The director's decision to require additional or more stringent standards and requirements or mitigation requirements under SCC 30.62B.390(1) shall be in writing and shall include findings of fact and conclusions that demonstrate how the decision meets the following criteria:

- (a) The decision eliminates or substantially reduces a specific public health, safety and welfare concern or a significant adverse impact;
- (b) The decision is based on sound engineering practices;
- (c) The decision will not adversely impact off-site properties; and
- (d) The decision is the least possible change from the requirements of this chapter.

PART 400 – EXCEPTIONS

30.62B.410 Minor development activity exceptions.

(1) Certain minor development activities may occur in geologic hazard areas or setbacks provided the project proponent complies with best management practices (BMPs) adopted through rulemaking pursuant to chapter 30.82 SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter. Best management practices are physical, structural, or managerial practices which have gained general acceptance by professionals in the appropriate field to minimize and mitigate adverse impacts to the functions and values of critical areas.

(2) All minor development activities authorized in this section shall comply with administrative BMP rules upon adoption. Prior to adoption of such administrative rules, project proponents shall comply with all known and available BMPs as defined in SCC 30.62A.510(1). The director shall use his or her best efforts to adopt BMPs for the minor development activities listed in this section pursuant to the rulemaking provisions of chapter 30.82 SCC within 12 months of the effective date of this chapter.

(3) The following minor development activities may occur pursuant to this section:

- (a) Normal maintenance and repair that does not expand the footprint of existing:
 - (i) improved public and private road rights-of-way,
 - (ii) utility corridors,
 - (iii) trails,
 - (iv) utility facilities,
 - (v) flood protection and bank stabilization structures,
 - (vi) stormwater facilities; and
 - (vii) structures;
- (b) Minor replacement, modification, extension, installation, or construction by a utility purveyor in an improved public road right-of-way;
- (c) Survey or monument placement;
- (d) Minor replacement or modification of existing facilities by a utility purveyor in an improved utility corridor;
- (e) Minor replacement or modification by a utility purveyor of individual utility service lines connecting to a utility distribution system;
- (f) Minor replacement, modification, minor installation or construction in an improved road right-of-way by the county or by the holder of a current right-of-way use permit;
- (g) Removal of invasive weeds;

- (h) Felling or topping of hazardous trees based on review by a qualified arborist;
- (i) Minor replacement, modification or installation of drainage, water quality or habitat enhancement projects; and
- (j) All other on-going lawfully established development activities not specifically addressed in this chapter.
- (k) Site investigative work necessary for land use application submittals pursuant to this title, such as surveys, soil borings, test pits, percolation tests, non-mechanical survey monument placement, data collection by non-mechanical means or other related activities, provided that the work is otherwise consistent with the provisions of other local, state and federal laws and regulations. Land disturbance shall be no greater than that necessary to accomplish the site investigative work and disturbed areas are restored to pre-disturbance conditions in one growing season.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.420 Emergency activities.

Emergency activities necessary to prevent an immediate threat to public health, safety, welfare or property, or to prevent an imminent threat of serious environmental degradation, are allowed without prior approval in geologically hazardous areas, based on the criteria set forth in this section:

- (1) The activity must be the minimum necessary to alleviate the emergency;
- (2) The project proponent shall notify the department prior to any action taken to remedy an emergency. If prior notification is not feasible, the project proponent shall notify the department within 48 hours of the action; and
- (3) Applications for any required project permits necessary to satisfy compliance with this chapter are submitted to the department within 120 days of the start of the action taken. For activities not requiring permits, compliance with this chapter shall occur within a reasonable time period not to exceed twelve months.

(Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 500 AGRICULTURAL ACTIVITIES

30.62B.505 Purpose.

In accordance with RCW 36.70A.020, the Growth Management Act (GMA) goals require the county to maintain and enhance natural resource-based industries, including commercial agriculture. This Part implements the necessary balance between goals 8 and 10 of the GMA relative to commercial agriculture and the protection of critical areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.510 Applicability.

This Part applies to agricultural activities as defined in SCC 30.91A.090 or 30.91A.092, occurring on lands where agriculture is a legal use, where critical areas defined as erosion hazard areas are present on the site and could potentially be impacted by the agricultural activities; provided, however, that proposals for building construction in channel migration zones must comply with the requirements in SCC 30.62B.330(3).

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 13-042, July 10, 2013, Eff date July 22, 2013)

30.62B.520 General Agricultural Standards.

Except as provided in SCC 30.62B.530, normal agricultural activities as defined in SCC 30.32B.230 or SCC 30.91A.090 subject to this Part 500 are in compliance with this chapter when those activities are performed in accordance with (1), (2) or (3) below:

- (1) The best management practices contained in the latest edition of the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);
 - (2) Other recognized best management practices for such activity that protect the functions and values of critical areas, where the NRCS FOTG does not provide specific guidance or a best management practice; or
 - (3) A farm conservation plan that includes provisions addressing critical areas protection specific to the farm site approved recommended by the NRCS or the Snohomish conservation district (SCD) approved by the county and signed by the landowner. Any confidential or proprietary information contained in a farm conservation plan may be redacted prior to public disclosure.
- (Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.530 Special Agricultural Conditions.

(1) Notwithstanding SCC 30.62A.620, agricultural activities as defined in ((~~SCC 30.32B.230 or~~)) SCC 30.91A.090 or 30.91A.092, subject to this Part 500 that meet one or more of the following special conditions shall comply with SCC 30.62B.530(2):

- (a) Agricultural activities that require a county permit or project approval except for a flood hazard permit required pursuant to chapter 30.43C SCC;
 - (b) In certain special flood hazard areas designated by the Federal Emergency Management Agency (FEMA) as specified in SCC 30.65.040, the construction of agricultural access or service roads greater than six inches average and twelve inches maximum height above grade;
 - (c) Agricultural activities that occur in a wetland, except where:
 - (i) The activity is exempt from wetland regulation under Section 404(f) of the federal Clean Water Act;
 - (ii) The activity is occurring in a non-riparian Category II or III wetland that is no greater than 5,000 square feet in size; or
 - (iii) The activity is occurring in a non-riparian Category IV wetland that is no greater than 10,000 square feet in size; and
 - (d) Agricultural activities that bring land into agricultural use by removal of native woody vegetation or alteration of surface or ground water flows, other than that which results from normal cultivation.
- (2) The agricultural activities listed in SCC 30.62B.530(1) are in compliance with this chapter when those activities are performed as follows:
- (a) The activity complies with Parts 000 through 400 of this chapter;
 - (b) The activity is done in compliance with a farm conservation plan, as described in SCC 30.62B.520(3); or

(c) The director issues a written decision finding that the landowner's compliance with other state or federal regulations or permits provides sufficient protection on the site to satisfy related critical areas requirements of this chapter.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.540 Farm conservation plans and best management practices

(1) Farm conservation plans and best management practices as described in SCC 30.62B.520 are subject to the approval, of the county.

(2) Farm conservation plans and best management practices shall:

(a) Specify when implementation will occur relative to project construction;

(b) Include provisions for monitoring and maintenance to determine whether the practices are successful. The length of time for monitoring and maintenance should be sufficient to determine if performance standards have been achieved; and

(c) Include provisions on a form approved by the department for the right to entry to the county for the purpose of inspection for the length of the monitoring and maintenance period. Prior to a site inspection the county shall provide reasonable notice to the property owner as to the purpose and need for entry.

(3) The county and/or the farm operator shall monitor and report farm plan implementation and compliance as provide for in the farm plan. The farm plan should include periodic inspections by the county for the first two years after permit issuance or self-assessment and certification by the operator, or other appropriate actions thereafter as determined by the county.

(4) Agricultural operations shall cease to be in compliance with this this chapter when the county determines:

(a) The operator fails to implement and maintain the farm plans and/or best management practices; or

(b) When it has been demonstrated by the county that the farm conservation plan and/or best management practices fails to protect critical areas. If so a new or revised plan shall be required; or

(c) When substantial changes in the agricultural activities of the operation have occurred which demonstrate that the current plan ineffective; and

(d) If any of the above conditions apply, a new or revised farm conservation plan may be required or may be referred for enforcement.

(5) The county shall only retain summary information of that portion of the plan needed for permit approval, including the general location of the operation, the nature of the activity, required permits and specific best management practices. The summary information shall be supplied to the county by the operator and used to document the basis for the county's approval of the plan. Any confidential or proprietary information contained in a farm conservation plan may be redacted prior to public disclosure.

Definition

30.91L.040 Landslide hazard areas.

"Landslide hazard areas" means areas potentially subject to mass earth movement based on a combination of geologic, topographic, and hydrologic factors, with a vertical height of 10 feet or more. These include the following:

(1) Areas of historic landslides as evidenced by landslide deposits, avalanche tracks, and areas susceptible to basal undercutting by streams, rivers or waves;

(2) Areas with slopes steeper than 33 percent which intersect geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock, and which contain springs or ground water seeps;

(a) Lands within a distance from the top of the slope equal to the height of a slope or within a distance of the toe of the slope equal to two times the height of the slope.

(3) Areas, susceptible to inundation by debris flows or catastrophic flooding.

~~((4) Areas located above and below slide-prone areas that are likely to slide if there is evidence of, or a geotechnical report indicates instability or landslide activity over the last 100 years.))~~

The director may expand the boundary of a landslide hazardous area beyond the parameters listed above as indicated by site conditions and a geotechnical report or other relevant studies, pursuant to 30.62B.390 SCC. The landslide hazard area may be expanded under the following conditions: (1) the landslide hazardous area may be expanded if a geotechnical report or other studies show it is necessary to protect the public health, safety and welfare; and

(2) the decision is prepared in accordance with SCC 30.62B.390, or

(3) the landslide hazardous area may be expanded to ensure that structural shoreline stabilization measures will not be necessary to protect the development.